

Appl. No. 10/538,262
Amdt. Dated September 14, 2010
Reply to Office Action of June 14, 2010

Attorney Docket No. 81887.0126
Customer No. 26021

REMARKS/ARGUMENTS

Claims 1, 2, 6, 7, and 11-13 are amended. Claims 1-16 are pending in the application. Claims 1, 2, and 11-13 are the independent claims.

The claim amendment in this response touches upon the form of the claims, but not the substance. Thus, entrance and consideration of the claim amendment are respectfully requested.

Examination and reconsideration of the claims, as amended, are respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. § 103:

claims 1-16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Uchida (U.S. Patent 6,745,049) in view of Tsien (U.S. Publication 2003/0,166,394). The claims of present application patentably distinguish over the cited art. Claim 1 recites:

For example, we suggest amending claim 1 as follows:

A wireless communication system configured from
a wireless base station and a wireless communication
terminal,

the wireless base station comprises:

a notify section that notifies the wireless
communication terminal of an initial uplink transmission
resources information, and

the wireless communication terminal comprises:

an obtain section that obtains the uplink
transmission resources information from the wireless
base station; and

a transmission section that transmits data at
corresponding to the obtained uplink transmission
resources.

One embodiment of claim 1 is provided in applicant's specification at FIGS. 1 and 2 and the accompanying text. This example provides a wireless base station 30 transmitting access parameters to the wireless communication terminal 10. The access parameters are parameters concerning the state of the wireless base station, such as the function of the wireless base station and line traffic state (applicant's specification at page 21, lines 16-24). The wireless communication terminal 10 determines a transmission rate (153.6 kbps in the example) based on the access parameters (applicant's specification at page 21, line 24 – page 22, line 9; page 18, lines 15-24).

The cited art does not render obvious claim 1 because the cite art does not teach or suggest each and every limitation of claim 1 as amended. For example, the cited art does not teach or suggest, at least, the limitation "the wireless base station comprises: a notify section that notifies the wireless communication terminal of an initial uplink transmission resources information" of claim 1.

Uchida is directed a communication system in which the transmission rate between the mobile station 16 and the database 11 is changed by the mobile switching center 27 (MSC)(Abstract). However, the database does not correspond to a base station, as required by claim 1. Moreover, given that Uchida does teach or suggest the wireless base station, Uchida likewise fails to disclose limitations relating to the base station, including a notify section that notifies the wireless communication terminal of uplink transmission resource information in the present invention. Thus, Uchida does not teach or suggest the required "wireless base station" and limitations relating thereto.

The combination of Uchida and Tsien does not render obvious claim 1 because Tisen does not remedy the deficiencies of Uchida. Tsien is generally directed at a method for monitoring a variable-rate data communication channel to

determine its signal-to-noise ratio, and adjusting the data transmission rate of the variable rate data communication channel based on its signal-to-noise ratio (Abstract). Tsien is cited as disclosing an obtaining section. Applicant respectfully disagrees. Tsien fails to disclose the required "obtain section" and the "transmission section" required by claim 1. The communication system of Tsien does not obtain an uplink transmission resources information from the wireless base station. Further, the system does not transmit data corresponding to the obtained uplink transmission resources.

In contrast, one aspect of the present invention is that a wireless-base-station-driven system is provided. In the present invention, the uplink transmission resources are notified by the wireless base station to the wireless communication terminal. For the above reasons, the Uchida and Tsien do not teach or suggest each and every limitations of claim 1.

Claims 6, 11, and 12 recite analogous limitations discussed above with claim 1 not taught or suggested by the cited art. For example, each of claims 11 and 12 requires a "wireless base station," which, as discussed with claim 1, is not taught or suggested by the cited art. Claim 6 requires the an "obtain section" and a "transmission section" not taught or suggested by the cited art.

For the above reasons, the 103(a) rejections of claims 1, 6, 11, and 12 should be withdrawn. Such withdrawal of allowance of claims 1, 6, 11, and 12 are respectfully requested.

Claims 2, 7 and 13 and claims depending therefrom

Claim 2 recites:

A wireless communication system configured from a wireless base station and a wireless communication terminal, wherein a wireless communication line is set between the wireless base station and the wireless communication terminal,

the wireless communication terminal comprises:

a terminal transmission rate notify section that notifies the wireless base station of a transmission rate required by the wireless communication terminal on the wireless communication line from the wireless communication terminal to the wireless base station; and

a transmission rate determination section that determines a transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station, and

the wireless base station comprises:

a determination section that determines whether or not the transmission rate notified from the wireless communication terminal enables to be supported; and

a determination result notify section that notifies the wireless communication terminal of a determination result of the determination section,

wherein the transmission rate determination section determines the initial transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on the determination result notified from the wireless base station,

wherein the terminal transmission rate notify section notifies the wireless base station of the transmission rate when the wireless base station and the wireless communication terminal exchange their mutual state information.

The cited art does not render obvious claim 2 because the cited art does not teach or suggest each and every limitation of claim 2. For example, the cited art does not teach or suggest, at least, the limitation "the terminal transmission rate notify section notifies the wireless base station of the transmission rate when the

wireless base station and the wireless communication terminal exchange their mutual state information.”

As discussed with claim 1, the communication apparatus in Uchida is merely a database and not the wireless base station. Uchida thus fails to disclose or suggest the wireless base station of claim 2, and limitations relating to the wireless base station. For example, Uchida does not teach or suggest the limitation “a determination result notify section that notifies the wireless communication terminal of a determination result of the determination section.” Further, Uchida does not teach or suggest that “the wireless base station and the wireless communication terminal exchange their mutual state information.” Moreover, given that Uchida does not teach or suggest the required wireless base station, Uchida likewise does not teach or suggest the limitation “the terminal transmission rate notify section notifies the wireless base station of the transmission rate when the wireless base station and the wireless communication terminal exchange their mutual state information.”

The combination of Uchida and Tsien does not render obvious claim 1 because Tsien does not remedy the deficiencies of Uchida. Tsien is cited as disclosing a communication system for data transmission rate control. However, Tsien does not remedy the deficiencies of Tsien regarding the wireless base station. For example, Tsien does not teach or suggest a wireless base station that determines whether or not the wireless base station is able to support the transmission rate notified from the wireless communication terminal.

In contrast, one aspect of the present invention provides that the wireless base station and the wireless communication terminal exchange their mutual state information. The cited art does not teach or suggest limitations relating to that

feature. For the above reasons, the Uchida and Tsien do not teach or suggest each and every limitations of claim 2.

Claims 7 and 13 recite analogous limitations discussed above with claim 1 not taught or suggested by the cited art. For example, claim 7 includes the limitation "the terminal transmission rate notify section notifies the wireless base station of the transmission rate when the wireless base station and the wireless communication terminal exchange their mutual state information." Claim 13 includes the limitation "the wireless communication terminal notifies the wireless base station of the transmission rate when the wireless base station and the wireless communication terminal exchange their mutual state information."

For the above reasons, the 103(a) rejections of claims 2, 7, and 13 should be withdrawn. Such withdrawal of allowance of claims 1, 2, and 13 are respectfully requested. Claims 3-5 depend from claim 2 and are therefore, allowable for at least the same reasons as claim 2. Claims 14-16 depend from claim 13 and are therefore allowable for at least the same reasons as claim 13. Allowance of claims 3-5 and 14-16 is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

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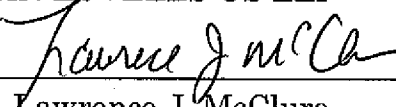
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

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Date: September 14, 2010

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